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## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

*New Delhi, the 29th April, 1976/Vaisakha 9, 1898 (Saka)*

# THE COAL MINES (NATIONALISATION) AMENDMENT ORDINANCE, 1976

No. 3 OF 1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India

An Ordinance further to amend the Coal Mines (Nationalisation) Act, 1973

WHEREAS both Houses of Parliament are not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (1) This Ordinance may be called the Coal Mines (Nationalisation) Amendment Ordinance, 1976.

(2) It shall come into force at once.

Act 26 of 1973 to be temporarily amended.

2. During the period of operation of this Ordinance, the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

Amendment of section 3.

3. In section 3 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

"(3) On and from the commencement of the Coal Mines (Nationalisation) Amendment Ordinance, 1976,—

(a) no person, other than—

(i) the Central Government or a Government company or a corporation owned, managed or controlled by the Central Government, or

(ii) a person to whom a sub-lease, referred to in the proviso to clause (c), has been granted by any such Government, company or corporation, or

(iii) a company engaged in the production of iron and steel,

shall carry on coal mining operation, in India, in any form;

(b) excepting the mining leases granted before such commencement in favour of the Government, company or corporation, referred to in clause (a), and any sub-lease granted by any such Government, company or corporation, all other mining leases and sub-leases in force immediately before such commencement, shall, in so far as they relate to the winning or mining of coal, stand terminated;

(c) no lease for winning or mining coal shall be granted in favour of any person other than the Government, company or corporation, referred to in clause (a):

Provided that the Government, company or corporation to whom a lease for winning or mining coal has been granted may grant a sub-lease to any person in any area on such terms and conditions as may be specified in the instrument granting sub-lease, if the Government, company or corporation is satisfied that—

(i) the reserves of coal in the area are in isolated small pockets or are not sufficient for scientific and economical development in a co-ordinated and integrated manner, and

(ii) the coal produced by the sub-leasee will not be required to be transported by rail.

(4) Where a mining lease stands terminated under sub-section (3), it shall be lawful for the Central Government or a Government company or corporation owned or controlled by the Central Government to obtain, notwithstanding anything contained in sub-section (2), or in the proviso to sub-section (2) of section 3 of the Coal Mines (Taking Over of Management) Act, 1973, a prospecting licence or a mining lease in respect of the whole or part of the land covered by the mining lease which stands so terminated.".

Amendment of section 30.

4. Section 30 of the principal Act shall be re-numbered as sub-section (1) of that section, and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Any person who engages, or causes any other person to be engaged, in winning or mining coal from the whole or part of any land in respect of which no valid prospecting licence or mining lease or sub-lease is in force, shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees.".

FAKHRUDDIN ALI AHMED,

*President.*

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K. K. SUNDARAM,

*Secy. to the Govt. of India.*

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